



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels, Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

March 4, 2009

VIA CERTIFIED MAIL 7007 1490 0000 0843 6618

Mr. Gregory Costakis
Northern Indiana Public Service Company
801 East 86th Avenue
Merrillville, Indiana 46410

Dear Mr. Costakis:

Re: Approval of Renewal of
Solid Waste Facility Permit
FP 37-01
R.M. Schahfer Generating Station RWS I
Jasper County

The solid waste facility permit renewal application received on February 4, 2008, for R.M. Schahfer Generating Station RWS I, has been reviewed and certified as meeting the requirements of IC 13-15-1-3 and 329 IAC 10-11. This permit renewal applies to the restricted waste site type I (RWS I) landfill located at 2723 East 1500 North in Jasper County, Indiana, which contains approximately one hundred ninety-eight (198) acres approved for filling. The permittee or operator shall operate this facility according to the terms and requirements of this renewal permit letter and enclosures and the applicable statutes and regulations in effect on the effective date of this renewal. This facility permit renewal FP 37-01 will expire on March 1, 2014.

This permit renewal allows Northern Indiana Public Service Company (NIPSCO) to update the facility design to comply with current rules and allows operations to continue at the facility subject to the terms of this letter and the enclosed requirements. In accordance with 329 IAC 10-13-4, solid waste facility permit FP 37-01 does not authorize: any injury to any person or private property; the invasion of other private rights; the infringement of federal, state, or local laws or regulations; nor preempt any duty to comply with other state or local requirements.

In accordance with 329 IAC 10-13-3, this permit is valid through March 1, 2014. In order to continue operation past this period, a renewal application in accordance with 329 IAC 10-11-5.1(b) must be submitted a minimum of one hundred twenty (120) days prior to the expiration date of the permit.

Pursuant to IC 4-21.5, a Petition for Review of this permit renewal letter may be initiated by you, as applicant, or by an "aggrieved or adversely affected person." This permit renewal becomes effective once all applicable time periods for petitioning for Stays of Effectiveness have expired, unless you are notified in writing by an Environmental Law Judge that the permit renewal has been further stayed. As discussed in our enclosed Notice of Decision, if you wish to challenge this decision, you must file a Petition for Review with the Office of Environmental Adjudication within eighteen (18) days from the date that this permit renewal letter was mailed, pursuant to IC 4-21.5-3-7.

If you have any questions or comments about your application or the permitting process, call (800) 451-6027, press 0 and ask for Alicia Brown or extension 2-8734, or call direct at (317) 232-8734.

Sincerely,



Thomas Linson, Chief
Permits Branch
Office of Land Quality

Enclosure: Permit Requirements
Notice of Decision
Letter to the Rensselaer Republican
Letter to the Remington Press
Letter to the Jasper County Library

cc: Jasper County Health Department (with enclosure)
Jasper County Commissioners (with enclosure)
The Honorable Donald Gear, President, Wheatfield Town Council (with enclosure)
Northwest Indiana Solid Waste Management District (with enclosure)

PERMIT REQUIREMENTS

- A. General Permit Requirements**
- B. General Reporting Requirements**
- C. Construction Requirements**
- D. Operational Requirements**
- E. Ground Water Monitoring Requirements**
- F. Closure Requirements**
- G. Post-Closure Requirements**
- H. Financial Responsibility for Closure and Post-Closure**

A. GENERAL PERMIT REQUIREMENTS

- A1. The permittee shall comply with all applicable requirements of 329 IAC 10, where not specifically addressed in this permit.
- A2. If any nuisance or ground surface pollution conditions are created at this facility, corrective action shall be initiated by the permittee immediately.
- A3. The permittee shall construct and operate the facility as described in the application unless otherwise specified by this permit. For the purposes of this permit, the application means all the narrative, construction plans, maps, specifications, and appendices submitted to the Indiana Department of Environmental Management (IDEM) on February 4, 2008 and on August 4, 2008.
- A4. The permittee shall at all times properly manage, operate, and maintain all facilities and systems of treatment and control which are installed or used by the permittee to comply with the specifications included in the application and permit requirements. Proper operation and maintenance includes, but is not limited to, proper handling of solid waste, sufficient funding, adequate operator staffing and training, and laboratory and process controls with appropriate quality assurance procedures.
- A5. All testing must be performed in accordance with American Society for Testing and Materials (ASTM) standards and the Construction Quality Assurance (CQA) plan included in the application.
- A6. The permittee may transfer this permit to another party subject to the provisions of 329 IAC 10-13-5.

B. GENERAL REPORTING REQUIREMENTS

- B1. All reports, notifications, ground water reports, or other information required to be submitted by this permit or the application, shall be sent to:

**Alicia Brown
Indiana Department of Environmental Management
Office of Land Quality
Solid Waste Permits Section
100 North Senate Avenue, Rm. 1154
Indianapolis, Indiana 46204-2251**

It is recommended that all required submittals be printed on double-sided paper and sent via certified mail. An additional copy should also be submitted in Acrobat PDF format by CD, DVD, or other media acceptable to IDEM.

- B2. The permittee shall report to IDEM any event or noncompliance with the permit or 329 IAC 10, which may cause an imminent and substantial endangerment to human health or the environment. Unless specified otherwise by the requirements of this permit, this information shall be reported orally to IDEM within twenty-four (24) hours from the time

the permittee becomes aware of the event or noncompliance. A written report shall also be provided within five (5) working days of the time of the noncompliance event. The report shall include for each event: date and time, possible causes, actions taken or planned to correct, reduce, eliminate, and prevent recurrence of the event.

- B3. Records of all monitoring information and activities, which are required to be submitted by this permit or specified in the application, must contain information in accordance with 329 IAC 10-1-4(a). Records shall be maintained as specified in 329 IAC 10-1-4(b) and (c).
- B4. Reports shall be signed as specified in 329 IAC 10-11-3(b).

C. CONSTRUCTION REQUIREMENTS

- C1. The permittee shall notify IDEM in writing at least fifteen (15) days in advance of the construction of each unit or portion of the unit.
- C2. Twenty-one (21) days prior to placement of waste in any newly constructed area, a report shall be submitted to IDEM by an Indiana registered professional engineer certifying that the permittee is in compliance with the construction requirements. The report shall indicate the boundaries of the certified area and shall include the results of all tests conducted during construction. Unless notified otherwise by IDEM, the permittee may begin to accept waste in the newly constructed area after the twenty-one (21) day notice period has expired.
- C3. Boundary markers shall be placed to identify the limits of construction of each new cell.
- C4. The base grades for the facility shall be constructed as shown on Exhibits 2, 3 and 4 revised August 7, 2008 and received by IDEM on August 18, 2008.
- C5. The facility improvements shall be constructed in accordance with the documents that were submitted to IDEM on February 1, 2008 which include the following:
 - a. Construction drawings:
 - 1. Sheet titled "Grading Plan" dated January 15, 2008 and received by IDEM on February 1, 2008.
 - 2. Sheet titled "Grading Sections - Sheet 1" dated January 15, 2008 and received by IDEM on February 1, 2008.
 - 3. Sheet titled "Grading Sections - Sheet 2" dated January 15, 2008 and received by IDEM on February 1, 2008.
 - b. HELP model and Final Cover Stability Analysis dated January 16, 2008 and received by IDEM on February 1, 2008.
- C6. The permittee shall construct all new units in accordance with the following composite liner construction requirements:

1. Sub-grade preparation is to be done to remove any large rocks or vegetative materials and to create proper slopes for leachate drainage.
 2. Above the sub-grade, a minimum of one (1) foot of recompact clay material is to be placed with a hydraulic conductivity of no greater than 1×10^{-6} cm/sec.
 3. A high-density polyethylene (HDPE) flexible membrane liner of sixty (60)-mil thickness is to be placed directly above the clay liner.
 4. A granular drainage layer of one (1) foot thickness with permeability of greater than or equal to 1×10^{-3} cm/sec and a leachate collection system are to be constructed above the flexible membrane liner.
 5. A geotextile layer is to be above the drainage layer.
 6. A protective cover of eighteen (18) inches of soil is to be above the geotextile.
- C7. The permittee may elect to use a geocomposite in the drainage layer instead of that provided in Requirement C6 above. The geocomposite shall be tested and placed according to the manufacturer's specifications and in a manner ensuring the proper function of the geocomposite.
- C8. The permittee shall place a protective cover over the drainage layer, which will maintain the integrity of the flexible membrane liner (FML). The first layer of waste over the protective cover included in the composite liner system must be spread and compacted in a layer no thinner than two feet. Trucks hauling waste shall be prohibited from driving directly upon the protective layer of the liner system. Other truck traffic shall be limited to necessary use during cell construction.
- C9. All liner and final cover components such as: clay-type soil, drainage material, geomembrane, geotextile, geocomposite, geosynthetic clay liner (GCL), and protective cover, if applicable, must be tested and installed as specified in the approved Construction Quality Assurance (CQA) Plan received by IDEM on April 01, 2008.
- C10. All leachate collection pipes and sumps shall be free of obstructions prior to placement of waste in a newly constructed unit or portion of the unit.
- C11. Upon selection of the specific geosynthetic materials for the liner and the final cover system components, the permittee shall perform the appropriate tests to document the interface friction values for the geosynthetic materials, soil liner, drainage layer and protective layer to be used in the construction of the facility. In the event that the newly obtained site-specific test results show that the values are less than those assumed in the calculations in the permit application, the permittee shall revise the slope stability analyses to document that the minimum factor of safety has been obtained as recommended by 329 IAC 10-15-8 and 329 IAC 10-17 as applicable. The material-specific interface friction values and/or the revised slope stability analyses shall be included in the construction certification report, as required by C2.

D. OPERATIONAL REQUIREMENTS

- D1. The permittee shall comply with 329 IAC 10-28 (Operational Requirements).
- D2. The material that may be disposed of at this site is limited to:
1. Desulfurization sludge, fly ash, and desulfurization sludge-fly ash mixture from the R.M. Schahfer Station Generating Facility or similar waste from other NISource facilities;
 2. Flue gas desulfurization product from the secondary pond at the R.M. Schahfer Station Generating Facility;
 3. Wastes washed from transport vehicles; and
 4. Other waste as approved by IDEM.
- Hazardous waste as defined in 329 IAC 3.1 shall not be accepted at this restricted waste site. Municipal solid waste as defined in 40 CFR 257 and 258 shall not be accepted at this facility.
- D3. Permanent, visible boundary markers, which delineate the approved facility and solid waste boundaries, shall be maintained for the life of the facility.
- D4. Solid waste disposal shall be limited to the areas delineated by the solid waste boundary line as shown on Exhibit 2, entitled "Overall Facility Final Grading," dated August 7, 2008, and received by IDEM on August 18, 2008.
- D5. Sedimentation control structures and drainage ditches around the perimeter of the facility shall be properly maintained and cleaned out as necessary to prevent sediments from leaving the site. In addition, drainage ditches shall be inspected monthly for excessive sediment leaving the active portion of the site and routinely cleaned out as necessary.
- D6. The permittee must control public access to the facility and prevent unauthorized vehicular traffic and illegal dumping of wastes by using artificial barriers, natural barriers, or both, as appropriate to protect human health and the environment.
- D7. Surface water must be diverted from the active fill area to minimize surface water contact with the waste and interference with the daily operation.
- D8. The permittee shall take appropriate measures to minimize fugitive dust at the restricted waste site to prevent the dust from creating a nuisance or threat to human health and the environment. Provided that dust emissions are controlled satisfactorily, the monthly cover and semiannual permeability testing are waived.
- D9. The site benchmark shall be maintained.
- D10. Pursuant to 329 IAC 10-28-11(b), daily cover over areas constructed with a composite liner system is not required. Requirements D11 and D12 specify all other cover requirements.

- D11. The permittee shall minimize the working face of the restricted waste site. Areas that have not received additional waste within 90 days of the time of filling shall be covered with one foot of intermediate cover of clay type soil as required by 329 IAC 10-28-12(a)(3), or other suitable material approved by the commissioner in accordance with 329 IAC 10-28-11. The polymer-based material Soil-Sement^(R) described in your letter of March 18, 1994 has been approved as alternative cover. In the event that the alternative cover material does not perform as intended, or does not appear to be equivalent to one foot of intermediate cover soil, one foot of intermediate cover of clay type soil may be required by 329 IAC 10-28-12(a)(3).
- D12. Waste and intermediate cover shall be placed to promote surface water drainage and to prevent ponding of water. The permittee shall minimize sediment and erosion at the site by implementing appropriate sedimentation/erosion control measures such as but not limited to: establishment of vegetation, use of alternative/synthetic covers or liners, and/or use of other applicable erosion/sedimentation control measures.
- D13. If any nuisance or ground surface pollution conditions are created at this facility, the permittee shall initiate corrective action within twenty-four (24) hours.
- D14. The permittee shall not cause a discharge of pollutants into waters of the United States, including wetlands, that violates the Clean Water Act, including, but not limited to, the requirements of the National Pollutant Discharge Elimination System (NPDES).
- D15. The permittee shall not cause the discharge of a nonpoint source of pollution into the waters of the United States, including wetlands, that violates any requirements of an areawide or statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act, as amended. The permittee shall comply with applicable requirements of 327 IAC 15 regarding storm water discharge.
- D16. Combusting manufactured gas plant (MGP) remediation materials in the boilers at R.M. Schahfer Generating Station does not require a solid waste permit and is not a legitimate use of solid waste under 329 IAC 11-3-1(15), subject to the following guidelines:
1. The handling and storage of MGP residue must be as stated in the Northern Indiana Public Service Company (NIPSCO) document dated July 9, 1999, received by IDEM on July 13, 1999.
 2. The blended coal and MGP residue must be stored in containers with an impermeable base at the R.M. Schahfer Generating Station.
 3. A report must be submitted to IDEM covering an initial six-month trial combustion period. The report must describe the process of conveying and combusting the MGP residue, operational difficulties and how they were overcome, and process specifications such as MGP percent residue. The initial MGP residue in the coal blend should be approximately 5 percent or less. Increases in MGP residue may be made incrementally over the six-month trial period as operating experience is gained and operational problems are overcome. Based on results in the trial report, the maximum percent MGP residue in the coal

blend will be mutually determined for the remaining MGP residue.

4. MGP residue must be managed in a manner that does not pose a threat to public health and the environment.
- D17. The permittee shall maintain, as applicable, an adequate leachate storage capacity during the landfill operation and the post-closure period to ensure proper operation of the leachate collection system and compliance with the permit application (the leachate collection system and sump areas located within the waste disposal unit are not considered adequate storage). The leachate level in the sumps and manholes shall be maintained at the approved depth. The leachate storage shall be operated in an environmentally safe manner.
- D18. The permittee shall conduct leachate sampling and analysis as required by the wastewater treatment plant or other leachate disposal facilities, as applicable, and the results shall be kept in the facility's operating record. The volume of leachate generated shall be submitted to IDEM on an annual basis on the enclosed "Leachate Generation Report Form" or similar form developed by the permittee. The annual leachate report must be submitted on or before March 1 of each year for the previous year.
- D19. The spraying of leachate on the open waste and on the protective soil cover above the leachate collection system to control dust is only permitted in the units that are constructed with a composite liner system. Sprayed leachate shall not cause ponding or waste handling problems. The leachate spray irrigation shall not be used on capped areas or over the portions of the restricted waste site that do not have the HDPE liner and leachate collection system. The leachate shall not contain volatile organic compounds or have a noticeable odor.

E. GROUND WATER MONITORING REQUIREMENTS

- E1. Each ground water monitoring well and each piezometer must be labeled with a permanent and unique identification that must be used in reporting all well and piezometer information.
- E2. Proposed abandonment of any ground water monitoring well or any piezometer at a facility must have written approval from IDEM. Methods used shall be those recommended by IDEM's Office of Land Quality (OLQ) Permits Geology Section, and those pursuant to the Indiana Department of Natural Resources regulation 312 IAC 13-10-2. The permittee shall notify OLQ Permits Geology Section ten (10) days prior to abandonment. Documents for each monitoring well or piezometer that is abandoned must be submitted to OLQ within thirty (30) days of removal and to the Indiana Department of Natural Resources (IDNR) as required under 312 IAC 13-10-2.
- E3. Access ways to each monitoring well or piezometer must be maintained and passable throughout each season of the year. The use of these access ways must be restricted to persons authorized by the owner, operator, or permittee.

- E4. The permittee must maintain all ground water monitoring wells and piezometers. Necessary repairs, other than replacement (see condition E7), must be completed within ten (10) days of discovery. The permittee must keep the monitoring wells securely capped and locked when not in use, repairing cracks, retaining mounds of clay-rich soil around the casings unless concrete pads have been installed, controlling vegetation height around the wells, and redeveloping the wells as needed.
- E5. The permittee must submit ground water potentiometric-surface maps, or flow maps, of the aquifer(s) being monitored at the site. The ground water elevations must be obtained during the scheduled ground water sampling months and must be submitted with the water-quality results to OLQ. The maps must contain the following:
- a. Location and identification of each ground water monitoring well and piezometer;
 - b. Static water-level relative to mean sea-level for each well and piezometer. All elevations shall be measured on the same day and as close in time as possible prior to the purging and sampling event;
 - c. Date and time of static water-level measurement for each well and piezometer;
 - d. Ground-surface elevation at each well and piezometer;
 - e. Facility property boundaries;
 - f. Identification of the aquifer represented, either by a name or an elevation;
 - g. Solid waste fill boundaries;
 - h. Facility name and county;
 - i. Map scale, north arrow, ground water flow direction arrows, and the potentiometric-surface contour interval;
 - j. Indications of which monitoring wells are considered background, downgradient, or intrawell;
 - k. Locations and elevations of all site benchmarks.
- E6. If ground water flow data indicate that flow is other than anticipated in the design of the monitoring well system, the permittee must notify OLQ within ten (10) days of discovery. Within thirty (30) days of the notification, the permittee shall submit to OLQ a report demonstrating that the facility is in compliance with 329 IAC 10-29-1(b). If additional ground water monitoring wells are required, the monitoring well(s) must be installed within thirty (30) days of receiving written approval of the revised design from OLQ.
- E7. If for any reason a ground water monitoring well or piezometer is destroyed or otherwise fails to properly function, OLQ must be notified within ten (10) days of discovery. The well shall be repaired if possible. If the well cannot be repaired, it must be properly

abandoned and replaced within sixty (60) days of the notification, unless the permittee is notified otherwise in writing by OLQ.

- E8. Pursuant to 329 IAC 10-29-2 sampling procedures, the permittee must follow the ground water monitoring plan (Revised Sampling and Analysis Plan (SAP)) dated July 22, 2005 and approved by OLQ on October 17, 2005. The permittee must revise the SAP if notified to do so by OLQ. Any revision to the SAP must be approved by OLQ prior to implementation, but will not be considered a modification of this permit.
- E9. All ground water monitoring wells that constitute the facility's detection monitoring well system must have individual water samples collected and analyzed for contaminants during March and September every year. These wells have been identified as follows; MW-1S, MW-1D, MW-2S, MW-2D, MW-3S, MW-3D, MW-4S, MW-4D, MW-5S, MW-5D, MW-6S, MW-6D, MW-7S, MW-7D, MW-8S, MW-8D, MW-9S, MW-9D, MW-10S, MW-10D, MW-11S, MW-11D, MW-12S, MW-12D, MW-13S, MW-13D, MW-14S, and MW-14D. Each sample must be analyzed for the following Phase I parameters:
1. (field) pH
 2. (field) Specific Conductance
 3. Chloride
 4. Boron (dissolved)
 5. Sodium (dissolved)
 6. Fluoride
 7. Sulfate
 8. Arsenic (dissolved)
 9. Barium (dissolved)
 10. Cadmium (dissolved)
 11. Chromium (dissolved)
 12. Lead (dissolved)
 13. Mercury (dissolved)
 14. Selenium (dissolved)
 15. Silver (dissolved)
- E10. All analytical results and field parameters from required ground water sampling must be submitted to OLQ Solid Waste Permit Section within sixty (60) days of the sampling event. The submittal must include one (1) original unbound laboratory certified report with field sheets and chain of custody forms; one (1) PDF electronic formatted file, and one (1) electronic version of the analytical results with the field parameters including pH, specific conductance, temperature, well depth, depth to water, and static water elevation.

The electronic version must be on a DOS formatted 3 1/2 inch diskette, or CD-ROM; Or DVD or may be submitted via electronic mail (e-mail) to the e-mail address, olqdata@idem.in.gov. The facility name and a brief description of the file contents should be clearly marked on the digital media or typed in the subject heading of the e-mail. The electronic version should be submitted as an ASCII, tab-delimited text file and contain the facility's name, permit number, and the name of the analytical laboratory. Field parameters and analytical results must include the fields listed below.

- a. Sampling Date: Month, day, and year
- b. Well Name: Include permitted and corrective action wells
- c. Sample Medium: Ground water, leachate, soil, surface water, etc.
- d. Sample Type: Regular, duplicate(s), trip blank(s), equipment blank(s), field blank(s), verification re-sample(s) and replicate(s)
- e. Species Name: Chloride, sodium, ammonia, etc. (Identify metals as being analyzed in the "total" phase or "dissolved" phase. Example: arsenic (dissolved).)
- f. Concentration (results): The entry must be a number. Do not enter text such as "NA", "ND" or "<".
- g. Concentration Units: mg/l, ug/l, standard units for pH, degrees Celsius (°C), or degrees Fahrenheit (°F) for temperature, and umhos/cm for specific conductance
- h. Detected: Yes or no
- i. Detection Limit
- j. Analytical Methods
- k. Estimated Value: Indicate "Yes" if the reported value is an estimated value. If a value is estimated, use the "Comment" field to explain why the value was estimated
- l. Comment: Analytical lab and/or field personnel comments regarding the reported results.

E11. All applicable Quality Assurance/Quality Control (QA/QC) documentation generated from valid analyses of ground water samples by the laboratory must be retained and be available upon request by OLQ, for a minimum of three (3) years. In addition upon OLQ written request, one paper copy and one PDF electronic formatted file of a level III ground water monitoring data package, as described in the current edition of the "Solid Waste Program Analytical Data Deliverable Requirements: A Guidance Document," must be submitted to OLQ within sixty (60) days.

E12. Ground water monitoring must be conducted throughout the active life and the post-closure care period of the facility. Monitoring may be extended beyond the post-closure care period if OLQ determines that the facility is adversely impacting the ground water or poses a threat to human health and the environment.

E13. Pursuant to 329 IAC 10-29-4, the permittee must use the site-established background water quality data. Background data must also be established for any additional background wells. Background data shall be established during at least four (4) consecutive, sampling events and be completed within one (1) year after a new well installation. Background water quality shall be established for the following:

- a. The Phase I parameters in Condition E9;
- b. The secondary standards in 329 IAC 10-29-7(c);
- c. The ground water protection standard in 329 IAC 10-29-10.

The upgradient or background (for intra-well) monitoring wells are MW-1S, MW-1D, MW-10S, and MW-10D.

- E14. Pursuant to 329 IAC 10-29-5, the permittee must determine whether there is a statistically significant increase (pH decrease/increase) over the background for each Phase I or Phase II parameter by comparing the value obtained during each semiannual analysis with the established background. One (1) paper copy and one (1) PDF electronic formatted file of the semiannual statistical evaluation report must be submitted to OLQ within sixty (60) days of the sampling event.

In the statistical evaluation report the permittee must present the distribution assumptions. A statistical procedure must be chosen that is appropriate for the distribution of the data being considered and that provides a balance between the probability of falsely identifying a significant difference and the probability of failing to identify a significant difference. The statistical procedure shall provide a ninety-five (95) percent level of confidence to determine if a statistically significant increase occurs in the concentration of a Phase I or Phase II parameter. To achieve the ninety-five (95) percent level of confidence, the permittee should consider the background sample sizes, the number of individual statistical tests performed, and the specific verification resampling method.

- E15. If the permittee determines that there is a statistically significant increase (pH decrease/increase) over background for two (2) or more of the Phase I parameters at any of the downgradient monitoring wells, the permittee must comply with the following requirements:
- a. Notify OLQ in writing within fourteen (14) days of the finding. The notification must state which Phase I parameters showed statistically significant increases (pH decrease/increase) over background levels and from which downgradient monitoring well(s) the elevated concentrations came.
 - b. Collect and analyze the ground water from all monitoring wells for the parameters in Requirement E9 and the parameters determined from 329 IAC 10-29-7(d). These results must be submitted to OLQ within sixty (60) days of determining the statistically significant increases.
 - c. The permittee must establish a Phase II monitoring program based on the results obtained in E15(b) and in consultation with OLQ Permits Geology Section within thirty (30) days of completion of Requirement E15(b).

The permittee must continue the scheduled Phase I monitoring as described in Requirement E9 and 329 IAC 10-29 throughout the establishment and implementation of a Phase II monitoring program.

- E16. In lieu of Requirements E15(b) and (c), the permittee may attempt to demonstrate that a source other than the solid waste facility caused the increase (pH decrease/increase) or that the increase (or pH increase/decrease) resulted from error in sampling, analysis, or evaluation. For the demonstration to be accepted by OLQ, the permittee must comply with the following requirements:
- a. Notify OLQ in writing of the intent to make a demonstration. This notification must be submitted within seven (7) days of determining a statistically significant increase (or pH decrease);

- b. Submit a report to OLQ within ninety (90) days of determining a statistically significant increase (or pH increase/decrease). The report must demonstrate that a source other than the solid waste facility caused the increase (or pH decrease), or that the increase (or pH increase/decrease) resulted from error in sampling, analysis, or evaluation. The report must state what efforts will be taken to prevent these errors from recurring;
- c. Continue to monitor ground water at all monitoring wells according to the scheduled Phase I monitoring established under 329 IAC 10-29-6.

If a demonstration is not acceptable to OLQ, the permittee must continue with Requirement E15(b) and (c).

- E17. If necessary, the permittee must implement a corrective action program as required under 329 IAC 10-29-9. The corrective action program shall be deemed complete when ground water protection standards have been met at all points of the plume beyond the monitoring boundary for a period of three (3) consecutive years using the statistical procedures outlined in 329 IAC 10-29-5 and procedures approved through this permit.

F. CLOSURE REQUIREMENTS

- F1. The permittee shall comply with 329 IAC 10-30 (Closure Requirements).
- F2. The permittee shall notify IDEM in writing at least sixty (60) days prior to the intended date to begin closure of each unit or portion of the unit.
- F3. The final cover shall be constructed in accordance with the approved final grading plan, on Exhibit 2, entitled "Overall Facility Final Grading," dated August 7, 2008, and received by IDEM on August 18, 2008, and applicable requirements of 329 IAC 10-30-2 and 10-28-11. Grading and stabilization of final cover shall be accomplished in accordance with 329 IAC 10-28-14. This facility closure contains one hundred seventy (170) acres of composite cover system and twenty-eight (28) acres of clay cover system.
- F4. Final closure shall proceed in accordance with the facility closure plan dated July 30, 2008, received by IDEM on August 4, 2008, and the applicable requirements of 329 IAC 10-30.
- F5. The cover materials must be tested and placed in accordance with the approved Construction Quality Assurance (CQA) plan received by IDEM on April 1, 2008.
- F6. Upon final closure of the facility, the permittee shall submit to IDEM a certification and verification of deed notation as required by 329 IAC 10-30-7.
- F7. The final cover for Phases IV through VII shall consist of a forty (40)-mil linear low density polyethylene (LLDPE) geomembrane liner, 12" of drainage layer, 18" of protected cover, and 6" of topsoil. Installation of the geomembrane shall follow applicable requirements of 329 IAC 10-17.

G. POST-CLOSURE REQUIREMENTS

- G1. The permittee shall comply with applicable post-closure requirements of 329 IAC 10-31 (Post-Closure Requirements).
- G2. The permittee shall perform post-closure duties as specified in 329 IAC 10-31-2(a) and the facility post-closure plan included in the application, for a period of thirty (30) years following the date of final closure certification. Post-closure certification shall be accomplished as specified in 329 IAC 10-31-4.
- G3. Subsequent to the completion of post-closure, the owner or operator of a closed facility or the owner of real estate upon which a closed facility is located, shall be responsible for correcting and controlling any nuisance conditions occurring at the facility, and eliminating any threat to human health or the environment, as specified in 329 IAC 10-31-5, 6, and 7.

H. FINANCIAL RESPONSIBILITY FOR CLOSURE AND POST-CLOSURE

- H1. The permittee shall establish and annually update a financial responsibility instrument as required by 329 IAC 10-39 for closure and post-closure. Annual updates shall be submitted by June 15 of each year. The amount for closure shall not be less than twenty-one million, four hundred forty-nine thousand, seven hundred sixty-nine (\$21,449,769). The amount for post-closure shall be three million, six hundred eighteen thousand, two hundred sixty-four dollars (\$3,618,264) which includes the closure and post-closure cost estimate of phases I-VII for one hundred ninety-eight (198) acres.
- H2. A final contour map which meets the requirements of 329 IAC 10-39-2(c) must also be submitted annually.
- H3. If facility operations, site design, or ground water monitoring are significantly changed to affect the financial responsibility amount, then the permittee shall amend the closure and post-closure cost estimates to reflect these changes.

NOTICE OF DECISION

Indiana Department of Environmental Management

Please be advised that the Indiana Department of Environmental Management (IDEM), Office of Land Quality, has issued a solid waste facility Permit Renewal for the R.M. Schahfer Generating Station RWS I, which is located at 2 miles northeast of the town of Wheatfield, Jasper County, Indiana. This permit allows Northern Indiana Public Service Company to continue operations at this facility. A copy of this permit is available for review at the Jasper County Library located at 208 West Susan Street, Rensselaer, Indiana.

If you wish to challenge this decision, IC 13-15-6-1 and IC 4-21.5-3-7 require that you file a petition for administrative review not later than fifteen (15) days after being served with this notice. Under IC 13-15-6-7(c) you are considered to be served with this notice when you are personally served with the notice or three (3) days after the notice is deposited in the United States mail and addressed to you, whichever occurs first. Your petition describing your intent to challenge the IDEM decision must be submitted to the Office of Environmental Adjudication (OEA), Indiana Government Center North, Room N501, 100 North Senate Avenue, Indianapolis, Indiana 46204-2200. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing: (1) The date the document is delivered to the OEA, (2) The date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail, or (3) The date on which the document is deposited with a private carrier, as shown by the receipt issued by the carrier, if the document is sent to the OEA by private carrier. This petition must include facts demonstrating that the petitioner is the applicant, a person aggrieved by the decision, or a person entitled to review by law. In order to assist the permit staff in tracking appeals, we request that you submit a copy of your petition to Alicia Brown, Indiana Department of Environmental Management, Office of Land Quality, Solid Waste Permits Section, 100 North Senate Avenue-Rm. 1154, Indianapolis, Indiana 46204-2251. Identifying the permit decision, or other order for which you seek review by permit number, name of the application, location, or date of this notice will expedite review of the petition.

Additionally, IC 13-15-6-2 requires that such petition for administrative review include: (1) The name and address of the person making the request, (2) The interest of the person making the request, (3) Identification of any persons represented by the person making the request, (4) The reasons, with particularity, for the request, (5) The issues, with particularity, proposed for consideration at the hearing, and (6) The permit terms and conditions which, in the judgment of the person making the request, would be appropriate.

Pursuant to IC 4-21.5-3-5(d), the OEA will provide the petitioner or any person requesting notice with notice of prehearing conferences, preliminary hearings, hearing stays, or orders disposing of the petition for review if a written request for such notice is submitted to the OEA at the above address. If you have procedural or scheduling questions regarding your petition, you may contact OEA by dialing (800) 451-6027, press 0 and ask for extension 2-8591 or dial (317) 232-8591. Questions regarding other aspects of the permit decision should be directed to Alicia Brown at (800) 451-6027, press 0 and ask for Alicia Brown or extension 2-8734, or call direct at (317) 232-8734.

Please bring this matter to the attention of persons you believe may have an interest in it.

Applicant and Interested Parties NOD